

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

POM WONDERFUL LLC, a Delaware  
limited liability company,

Plaintiff,

v.

ORGANIC JUICE USA, INC., a New York  
corporation; and DOES 1-10, inclusive,

Defendants.

-----X

ORGANIC JUICE USA, INC., a New York  
corporation,

Counter-Plaintiff,

v.

POM WONDERFUL LLC, a Delaware  
limited liability company,

Counter-Defendant.

**Case No. 1-09-cv-04916-JPO**

ECF Case

Assigned to Hon. J. Paul Oetken

**DECLARATION OF ANDREW S. ROBBINS IN  
SUPPORT OF ORGANIC JUICE'S MOTION IN LIMINE TO  
EXCLUDE EVIDENCE RELATING TO DESTROYED SAMPLES**

I, Andrew S. Robbins, hereby declare as follows:

1. I am an associate at the law firm of Dewey & LeBoeuf LLP, counsel for Defendant and Counter-Plaintiff Organic Juice USA, Inc. in this litigation. I have been admitted to practice in this Court. I make this Declaration in Support of Defendant and Counter-Plaintiff's Motion in Limine to Exclude Evidence Relating to Destroyed Samples.

2. Attached hereto as Exhibit A is a true and correct copy of the relevant portions of the deposition of Dana Krueger, dated June 2, 2010.

3. Attached hereto as Exhibit B is a true and correct copy of the Amended Expert Report of Dana Krueger, served April 22, 2010.

4. Attached hereto as Exhibit C is a true and correct copy of the Subpoena to Produce Documents Information or Objects or to Permit Inspection of Premises to Krueger Food Laboratories, Inc., served on October 23, 2009.

5. Attached hereto as Exhibit D is a true and correct copy of the April 2010 email exchange between Alexander M. Kayne and Daniel Beck.

6. Attached hereto as Exhibit E is a true and correct copy of the Expert Report of Shankar Bhattacharyya, dated April 1, 2010.

7. Attached hereto as Exhibit F is a true and correct copy of the Expert Rebuttal Report of Shankar Bhattacharyya, dated May 3, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 9, 2012  
New York, New York

By: /s/ Andrew S. Robbins  
Andrew S. Robbins